

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER  <b>016906-0408</b>
INTERNATIONAL APPLICATION NO. PCT/EP2003/012467	INTERNATIONAL FILING DATE 11/7/2003	U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/542,711  PRIORITY DATE CLAIMED 1/21/2003
TITLE OF INVENTION HEAT EXCHANGER, ESPECIALLY GAS COOLER		
APPLICANT(S) FOR DO/EO/US Uwe FÖRSTER and Kurt MOLT		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) and submitted under Rule 4.17. 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern other document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Power of Attorney or Authorization of Agent by Assignee and Statement Under 37 CFR 3.73(b)		

U.S. APPLICATION NO. (if known, see 37 CFR. 1.5) 10/542,711		INTERNATIONAL APPLICATION NO. PCT/EP2003/012467		ATTORNEY'S DOCKET NUMBER 016906-0408	
The following fees have been submitted:					
21. <input checked="" type="checkbox"/> Basic national fee		\$300		\$ 0.00	
22. <input checked="" type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)		\$100		\$ 0.00	
All other situations		\$200			
23. <input checked="" type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400			
All other situations		\$500		\$ 0.00	
<b>TOTAL OF ABOVE 21, 22 and 23 =</b>				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
18 - 100 = 0	/50 =	0	x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	14 - 20 = 0		x \$ 50.00	\$ 0.00	
Independent Claims	1 - 3 = 0		x \$ 200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				+ \$ 0.00	
<b>SUBTOTAL =</b>				\$ 0.00	
Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 0.00	
				Amount to be refunded:	
				charged:	
<p>a. <input type="checkbox"/> A check in the amount of \$ 0.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charge to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
SEND ALL CORRESPONDENCE TO:					
Foley & Lardner LLP			SIGNATURE		
Customer Number: 22428			Richard L. Schwaab		
			NAME		
			25,479		
			REGISTRATION NUMBER		

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Uwe FÖRSTER et al.

10/5427 11

Title: HEAT EXCHANGER, ESPECIALLY GAS COOLER

Appl. No.: PCT/EP2003/012467

Filing Date: November 7, 2003

Examiner: Unassigned

Art Unit: Unassigned

**POWER OF ATTORNEY OR AUTHORIZATION OF AGENT**  
**BY ASSIGNEE AND STATEMENT UNDER 37 CFR 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

BEHR GmbH & CO. KG, a corporation duly organized and existing under the laws of the Federal Republic of Germany, and having its principal place of business at Mauserstrasse 3, D-70469 Stuttgart, Federal Republic of Germany is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent application by virtue of an assignment from the inventor(s) of said application.

- ☒ A copy of the assignment is attached and/or
- ☐ The assignment was recorded in the U.S. Patent & Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_.

Assignee hereby appoints the registered attorneys and agents at Customer Number:

**22428**

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

Please direct all correspondence concerning this application to:

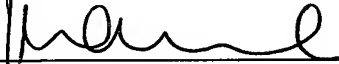
Richard L. Schwaab  
FOLEY & LARDNER LLP  
Customer Number: 22428

Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Executed this 12<sup>th</sup> day of October, 2005.

BEHR GmbH & CO. KG

By Its Authorized Agent:

  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Dr. Andreas Grauel  
(Printed Name)

\_\_\_\_\_  
Director Intellectual Property  
(Title)

International Application No. : PCT/EP2003/012467  
Attorney Docket No. : 016906-0408  
and/or further identified as: U.S. Serial No. : \_\_\_\_\_

## ASSIGNMENT

COPY

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

*name and* BEHR GmbH & CO. KG  
*address of* Mauserstrasse 3, D-70469 Stuttgart  
*assignee* Federal Republic of Germany

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to this invention relating to

*title of* HEAT EXCHANGER, ESPECIALLY GAS COOLER  
*invention*

as set forth in this International Application designating the United States and/or this United States Patent Application as a National Stage application or otherwise claiming the benefit of the International Application

*Check at* ☐ executed concurrently herewith  
*least one* ☐ executed on \_\_\_\_\_  
☐ U.S. Serial No. \_\_\_\_\_ Filed \_\_\_\_\_  
☒ International Application No. PCT/EP2003/012467 filed November 7, 2003

in and to said International Application designating the United States and/or United States Patent Application, including any and all divisions or continuations thereof, and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

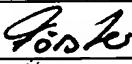
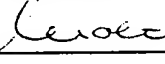
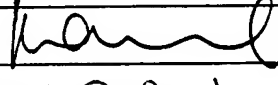

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he or she has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he or she has not executed and will not execute any document or instrument in conflict herewith;

International Application No. : PCT/EP2003/012467  
Attorney Docket No.: 016906-0408

Each of the undersigned further covenants and agrees he or she will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him or her relating to said invention or patent application and that he or she will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER LLP** the power to insert in this Assignment any further information, such as an application number, which may be necessary or desirable to further identify the application in compliance with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

<b>NAMES AND SIGNATURES OF INVENTORS</b>		
Name: Uwe FÖRSTER	Signature: 	Date: 31.08.05
Name: Kurt MOLT	Signature: 	Date: 05.09.05
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:
<b>NAMES AND SIGNATURES OF WITNESSES</b>		
Name: Dr. Andreas Grauel	Signature: 	Date: 16.09.2005
Name: <del>Fahrija Pilavdzic</del>	Signature: 	Date: 16.09.2005

Note: *Prima facie* evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.